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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,593

09/08/2003

Arndt Rosenthal

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10/31/2007

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
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EXAMINER

YIGDALL, MICHAEL J

ART UNIT

PAPER NUMBER

2192

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/658,593

Applicant(s)

ROSENTHAL ET AL.

Examiner

Michael J. Yigdall

Art Unit

2192

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-19  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11.

Applicant's arguments have been fully considered but they are not persuasive.

Applicant's request that the provisional obviousness-type double patenting rejection be held in abeyance is noted (remarks, page 2).

Applicant contends that Gungabeesoon fails to disclose the claimed "run-time code" (remarks, page 3). Specifically, the examiner noted that Gungabeesoon teaches run-time code in the form of JavaServer Pages (see, for example, column 11, lines 2-7), but Applicant argues that this is incorrect (remarks, page 3). Instead, Applicant characterizes Gungabeesoon's network pages 520, user interface pages 520 and JavaServer Pages 520 as a teaching of the claimed "converted design-time representation" (remarks, page 4).

First, the examiner agrees that the user interface pages 520 of Gungabeesoon represent the claimed "converted design-time representation." However, the examiner does not agree that the JavaServer Pages 520 of Gungabeesoon do not represent the claimed "run-time code." Even if the network pages 520, user interface pages 520 and JavaServer Pages 520 are one in the same, as Applicant argues (remarks, page 4), this does not somehow preclude the pages from providing both the "converted design-time representation" and the "run-time code." The examiner submits that the JavaServer Pages 520 comprise "run-time code" at least because they are "served to the network user agent 570" (column 11, line 6) for run-time execution.

Gungabeesoon discloses, "The converted user interface pages 520 are dynamically updated at step 530 using existing web page serving technologies on the network server 200 prior to sending the page to the network user agent 570 on the client 300" (column 9, lines 14-17). Thus, the converted user interface pages 520 (i.e., the converted design-time representation) are dynamically updated to "generate" the pages that are sent to the network user agent 570. The JavaServer Pages 520 sent to the network user agent 570 include at least HTML and JavaScript (see, for example, column 8, line 67 to column 9, line 7), which represent "run-time code" that is rendered and executed on the client 300. Therefore, contrary to Applicant's assertion (remarks, page 4), Gungabeesoon does teach "run-time code being generated from a converted design-time representation."

MY   
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SUPERVISORY PATENT EXAMINER